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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,360	12/17/2001	Takashi Yokota	FY.17454US0A	2750
20995	7590	09/12/2005		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
			EXAMINER YODER III, CHRISS S	
			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,360	Applicant(s) YOKOTA, TAKASHI	
	Examiner Chriss S. Yoder, III	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01 and 04/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities:

Claim 20 recites the limitation "The system according to claim **1**" in line 1, however, claim 1 is a method claim, and therefore, the examiner believes this should read "The system according to claim **11**"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-6, 11-13, 15-16, 21, 23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Savitzky et al. (US Patent # 6,571,271).
2. In regard to claim 1, note Savitzky discloses the use of a method for remotely creating electronic albums, comprising the steps of obtaining digital data of interest at a location with reference to a time (column 4, lines 10-15), obtaining position data of the location with reference to a time (column 4, lines 15-20), sending the digital data from a mobile terminal to a server through the Internet (column 4, lines 10-15), sending the position data from a mobile terminal to the server through the Internet (column 4, lines 15-20), receiving the digital data and the position data by the server (column 4, lines 10-20), creating and

updating an electronic album using software programmed to associate the digital data and the position data based on the recorded times, said software being provided in the server (figure 3; the album is set up using the date and location), and repeating the steps at a different location or at a different time (this is done anytime more images are uploaded).

3. In regard to claim 2, note Savitzky discloses that the digital data is picture data (column 4, lines 10-15).

4. In regard to claim 4, note Savitzky discloses that the picture data are taken with a digital camera (column 2, lines 31-35).

5. In regard to claim 5, note Savitzky discloses that the position data are taken with a GPS device (column 4, lines 15-20).

6. In regard to claim 6, note Savitzky discloses that the mobile terminal used to send the digital data is the same as the terminal used to send the location information (column 4, lines 10-20).

7. In regard to claim 11, this is an apparatus claim, corresponding to the method of claim 1. Therefore, claim 11 has been analyzed and rejected as previously discussed with respect claim 1.

8. In regard to claim 12, note Savitzky discloses that the picture data are taken with a digital camera (column 2, lines 31-35).

9. In regard to claim 13, note Savitzky discloses that the digital data is picture data (column 4, lines 10-15).

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10. In regard to claim 15-16, these are apparatus claims, corresponding to the method of claims 5-6 respectively. Therefore, claim 15-16 have been analyzed and rejected as previously discussed with respect claims 5-6.

11. In regard to claim 21, note Savitzky discloses the use of a method for creating electronic albums of trips using program software provided in a server connected to the Internet for editing digital graphic data to create electronic albums (column 3, line 44- column 4, lines 6), said server being made capable of receiving data of pictures taken with digital cameras, data of the times when the pictures are taken, position data acquired at a mobile terminal, and data of the times when the position data are acquired (column 4, lines 10-20), said albums being made with the program software by associating the received pieces of information with each other (figure 3; the album is set up using the date and location).

12. In regard to claim 23, note Savitzky discloses editing the comment information by a computer connected to the Internet (column 3, lines 10-15).

13. In regard to claim 25, this is an apparatus claim, corresponding to the method of claim 21. Therefore, claim 25 has been analyzed and rejected as previously discussed with respect claim 21.

14. In regard to claim 26, note Savitzky discloses the use of a mobile tool for creating electronic albums, characterized in that the mobile tool associates with each other (column 3, line 44- column 4, lines 6), data of pictures taken with digital cameras, data of the times when the pictures are taken, position data acquired at a mobile terminal, and data of the times at which the position data

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are acquired (column 4, lines 10-20), and transmits them to a server that is connected to the Internet and provided with an electronic album creating means (column 4, lines 10-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3, 9-10, 14, 19-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky et al. (US Patent # 6,571,271).

16. In regard to claim 3, note Savitzky discloses the use of a method of sending images to be setup in an electronic album as claimed in claim 2 above. Therefore, it can be seen that Savitzky fails to disclose that the picture data are animated picture data. Official notice is taken that the concepts and advantages of using a digital camera to capture still images as well as animated images (i.e. movies) are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to capture still and motion images in order to allow the user to carry one portable device that can capture.

17. In regard to claims 9-10, note Savitzky discloses the use of a method of sending images to be setup in an electronic album as claimed in claim 1 above. Therefore, it can be seen that Savitzky fails to disclose that the use of a

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username and password to access a server for uploading and downloading data as well as the use of data that is common to multiple users. Official notice is taken that the use of a username and password to access a server for uploading and downloading data, as well as the use of data that is common to multiple users is notoriously well known and expected in the art in order to limit the access to specific data to only desired users for security and privacy. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to include the use of a username and password to access a server for uploading and downloading data as well as the use of data that is common to multiple users for security purposes.

18. In regard to claim 14, note Savitzky discloses the use of a system for sending images to be setup in an electronic album as claimed in claim 12 above. Therefore, it can be seen that Savitzky fails to disclose that the picture data are animated picture data. Official notice is taken that the concepts and advantages of using a digital camera to capture still images as well as animated images (i.e. movies) are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to capture still and motion images in order to allow the user to carry one portable device that can capture.

19. In regard to claim 19, this is an apparatus claim, corresponding to the method of claim 9. Therefore, claim 19 has been analyzed and rejected as previously discussed with respect claim 9.

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20. In regard to claim 20, note Savitzky discloses the use of a system for sending images to be setup in an electronic album as claimed in claim 11 above. The combination of one first device, one second device, one first terminal, and terminal are considered to be one unit. Therefore, it can be seen that Savitzky fails to disclose the use of more than one unit. However, Savitzky does disclose that the unit would be located in a public place such as an amusement park (column 4, lines 10-12). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to spread the units around the amusement part in order to allow more than one user to access the server to transmit data to be stored on the server.

21. In regard to claim 24, note Savitzky discloses the use of a method of sending images to be setup in an electronic album as claimed in claim 1 above. Therefore, it can be seen that Savitzky fails to disclose that the use of a username and password to access a server for uploading and downloading data as well as the use of data that is common to multiple users. Official notice is taken that the use of a username and password to access a server for uploading and downloading data, as well as the use of data that is common to multiple users is notoriously well known and expected in the art in order to limit the access to specific data to only desired users for security and privacy. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to include the use of a username and password to access a server for uploading and downloading data as well as the use of data that is common to multiple users for security purposes.

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22. Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky et al. (US Patent # 6,571,271) in view of Anderson (US Patent # 6,499,016).

23. In regard to claim 7, note Savitzky discloses the use of a method of sending images to be setup in an electronic album as claimed in claim 1 above. Therefore, it can be seen that Savitzky fails to disclose sending comment information including text data inputted by a mobile terminal to the server through the Internet with reference to a time and incorporating the information into the electronic album using the software, said software being further capable of associating the comment information with the digital data and the position data based on the recorded times. Anderson discloses sending comment information including text data inputted by a mobile terminal to the server through the Internet with reference to a time and incorporating the information into the electronic album using the software, said software being further capable of associating the comment information with the digital data and the position data based on the recorded times (column 3, lines 10-20). Anderson teaches that the transmission of comment information is preferred in order to index the database so that the images may be found more easily (column 3, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to include the transmission of comment information to the server as suggested by Anderson.

24. In regard to claim 8, note Savitzky discloses editing the comment information by a computer connected to the Internet (column 3, lines 10-15).

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25. In regard to claims 17-18, these are apparatus claims, corresponding to the method of claims 7-8 respectively. Therefore, claims 17-18 have been analyzed and rejected as previously discussed with respect claim 7-8.

26. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky et al. (US Patent # 6,571,271) in view of Anderson (US Patent # 6,499,016).

27. In regard to claim 22, note Savitzky discloses the use of a method of sending images to be setup in an electronic album as claimed in claim 20 above. Therefore, it can be seen that Savitzky fails to disclose the server receiving comment information inputted by a mobile terminal to create electronic albums using the software, said software being further capable of associating the comment information with the picture data. Anderson discloses the server receiving comment information inputted by a mobile terminal to create electronic albums using the software, said software being further capable of associating the comment information with the picture data (column 3, lines 10-20). Anderson teaches that the transmission of comment information is preferred in order to index the database so that the images may be found more easily (column 3, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Savitzky device to include the transmission of comment information to the server as suggested by Anderson.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006928230B2: note the use of an electronic album that is correlated using auxiliary data concerning the images.

US 20030025808A1: note the use of transmission of images to a remote location as well as the addition of comments to the images.

US 20030090572A1: note the use of a camera that couples to the Internet to transfer image data.

US005633678: note the use of a camera that categorizes image files.

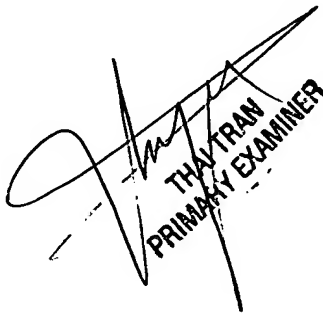
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
September 2, 2005


THAI TRAN
PRIMARY EXAMINER